

REMARKS

None of the claims have been amended or cancelled. Claims 1-28 are pending, claims 9-26 and 28 have been withdrawn from consideration and claims 6 and 7 are objected. No new matter is presented in this Amendment. Claims 1, 9, 15, 20, 26, 27 and 28 are the independent claims.

PRIORITY:

Applicants note that the Office Action Summary once again indicates that none of the certified copies of the priority documents have been received. However, as previously noted in the response filed January 16, 2007, a certified copy of the priority document was submitted to the USPTO on July 22, 2004, as evidenced by the enclosed copy of the stamped postcard.

However, for the convenience of the Examiner, a second copy of the priority document, Korean Patent Application No. 2002-65484, is enclosed herewith.

Accordingly, Applicants respectfully request that the Examiner acknowledge receipt of these documents in the next office action.

RESPONSE TO ARGUMENTS:

The Office Action states that in the response filed January 16, 2007, a copy of the Declaration was received but not the invention disclosure form. Applicants respectfully traverse such statement and note that the invention disclosure form was submitted on January 16, 2007.

A copy of the Declaration, the invention disclosure form and the verified translation of the invention disclosure form is enclosed herewith, along with a copy of the postcard dated January 16, 2007 evidencing receipt by the USPTO of such documents. Additionally, after reviewing the PAIR system, it is noted that the Declaration and invention disclosure form submitted on January 16, 2007, were incorrectly scanned as "Certified Copy of Foreign Priority Application," enclosing 17 pages. Accordingly, it is noted that all documents have been received by the USPTO, including the Declaration, the Invention Disclosure Form and a Certified Translation of the Invention Disclosure Form.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1-5, 8, 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tamura et al. (JP Patent 2002-279972, abstract) in view of Hata (JP Patent 11-307078, translation and abstract).

Applicants respectfully traverse this rejection for at least the following reasons.

Tamura has a publication date of September 27, 2002. In contrast, the instant application has a date of invention of at least July 12, 2002, as evidenced in the Declaration and the invention disclosure form submitted on January 16, 2007. Therefore, it has been proven that Tamura has a publication date which is after the invention date of the present application. Since Tamura does not qualify as prior art and since Hata is not relied upon to otherwise disclose the features of the instant application, it is requested the rejection be withdrawn.

ALLOWABLE SUBJECT MATTER:

Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Please Date Stamp and return

Reply/Amendment Fee Transmittal, Verified Translation of Inventor's Invention Report, Declaration under Rule 131(a), Translation of Priority Document KR 2002-65484, Copy of Postcard enclosing Certified Copy of Prior Foreign Application, Submission of Certified Copy of Prior Foreign Application, Response (no fees submitted)

APPLICANT(S): Jea-Woan LEE

APPLICATION NO.: 10/691,476

CONFIRMATION NO. 5031

TITLE: NEGATIVE ELECTRODE FOR LITHIUM BATTERY AND LITHIUM BATTERY COMPRISING SAME

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